REMARKS

Reconsideration is respectfully requested. Claims 1-15 are pending. Claims 1-15 are rejected as anticipated by US 2001/0044771 A1 (Usher). See Office Action, p.3. Claims 2, 11 and 12 are objected to. See Office Action, p.2.

For the reasons set forth below, Applicant respectfully submits that all pending claims are allowable.

I.   Claim Objections

Claims 2, 11, and 12 are objected to because the Examiner asserts that each claim includes the term "TCP/IP protocol" yet such terminology has not been properly defined in the specification. See Office Action, p.2. While the Examiner states that the term "IP" has been defined in the specification, the acronym "TCP" has not been identified anywhere in the specification.

As can be seen from the above, the acronym "TCP" is now defined as set forth in the amendment to the specification on page 2. Accordingly, Applicant respectfully requests the Examiner to approve the amendment to the specification and withdraw the objections to claims 2, 11 and 12.

II.   Anticipation Rejections

Claims 1-15 are rejected as anticipated under 35 USC §102(e) by the Usher publication. See Office Action, p.3.

For the reasons set forth below, Applicant respectfully traverses the Examiner's anticipation rejections, and submit that claims 1-15 are allowable.

A.   Claims 1-8

Claim 1 is directed to a combination including a data network, a data provider coupled to the data network, the data provider configured to transmit real time data, a client terminal coupled to the data network, a server terminal coupled to the data network, the server terminal configured to receive the r al tim data from th data provider, the server terminal further configured to detect a connection request from the client terminal via the data network, and to

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establish a connection with the client terminal, wherein the <u>server terminal is configured to</u> <u>**push the received real time data** substantially immediately to the connected client terminal</u>.
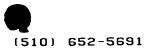
The Examiner asserts that the Usher publication discloses, in referring to page 5, paragraph 0058, a data network (Fig. 1A0, a data provider (120), a client terminal (200) and a server terminal (115), <u>See</u> Office Action p.3.

As understood, paragraph 0058 on page 5 of the Usher publication discloses a non-online or online approach which includes access devices 200 which may be connected via links 105 to internet 110. Usher publication further discloses that access devices may include any device or combination of devices suitable for providing internet access to users of the trading system, and that access devices 200 may include PCs, portable computers, and the like. <u>See</u> Usher publication, paragraph 0058, pg. 5.

As the Examiner is aware, it is well established that anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. <u>W.L. Gore &</u> <u>Associates v. Garlock, Inc.</u>, 220 USPQ 303, 313 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). As such, for anticipation rejection, all of the elements and limitations of the claim must be found within a single prior art reference. <u>Scripps Clinic & Research Foundation v.</u> <u>Genentech Inc.</u>, 18 USPQ 2d 1001, 1010 (Fed. Cir. 1991). Moreover, the Examiner bears the initial burden of establishing a prima facie case of anticipation. <u>In re Warner</u>, 154 USPQ 173, 177 (CCPA 1967), *cert. denied*, 389 U.S. 1057 (1968) (stating that the statute clearly "places a burden of proof on the Patent Office which requires It to produce the factual basis for its rejection of an application under sections 102 and 103.").

Indeed, as understood, none of the cited portion of the Usher publication teaches the combination set forth in independent claim 1 including, among others, where the <u>server</u> <u>terminal is configured to **push the received real time data** substantially immediately to the</u> <u>connected client terminal</u>.

Accordingly, Applicant respectfully traverses the Examiner's rejections and respectfully submit that claim 1, and claims 2-8 dependent therefrom, are allowable.

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B.   Claims 9-15

Claims 9 and 15 are directed to a method and a program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to perform a method, the methods including the steps of establishing a connection to a data provider, establishing a connection to a client terminal, transmitting a client receiver application to the connected client terminal, and pushing information received from the connected data provider substantially in real time to the connected client terminal.

In rejecting claims 9 and 15 as anticipated by the Usher reference, the Examiner refers to, among others, paragraphs 0058 and 0063 on page 5 of the Usher reference.

Applicant herein renews all of the arguments set forth above in distinguishing claim 1 of the present application from the Usher publication, and respectfully submit that, at least for the same reasons, claims 9-15 are allowable.

Furthermore, as understood, paragraph 0063 of the Usher publication to which the Examiner relies upon for the anticipation rejection of claims 9 and 15, on the contrary, does not disclose the claimed invention as set forth in the pending claims.
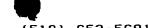
More specifically, paragraph 0063 of the Usher reference discloses that:

> Internet and application server 115 may retrieve system information from or provide system information to database server 120 using any suitable approach. Internet and application server 115 may, for example, have one or more common gateway interface (CGI) or Active Server Page (ASP) scripts for providing information submitted to Internet and application server 115 from database server 120 to access device 200, or providing information submitted by access devices 200 to database server 120. One or more processes on the Internet server 115 may, for example, generate SQL requests and provide the requests to a SQL server engine running on database server 120 for processing. Application server 120 may obtain data for the requests and provide the data to Internet and application server 115. Internet and application server 115 may format the data into web pages and provide the web pages to access devices 200.

See Usher publication, paragraph 0063, page 5.

Indeed, as understood, the cited portion of the Usher publication to which the Examiner relies upon for the anticipation rejections does not teach, among others, the step of *pushing information received from the connected data provider substantially in real time to the connected client terminal* as required in independent claim 9 and 15 of the present application.

Accordingly, Applicant traverses the Examiner's rejections, and respectfully submit that independent claims 9 and 15, and dependent claims 10-14 dependent from claim 9, are allowable.

For the foregoing reasons it is submitted that all of the claims are now in condition for allowance and the Examiner's early re-examination and reconsideration are respectfully requested.

Respectfully submitted,

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